

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT A. CARNELL,

Defendant.

Case No. 18-cr-40066-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Scott A. Carnell's *pro se* motion for appointment of counsel and for copies of documents from his case (Doc. 117). Carnell pled guilty to one count of conspiracy to distribute more than 50 grams of methamphetamine, and the Court sentenced him to serve 192 months in prison. Carnell appealed the judgment to the Court of Appeals. His counsel in the District Court has not been relieved of his appointment, so he continues to represent Carnell on appeal.

To the extent Carnell asks for copies of documents from his case, the Court will strike the motion. Carnell made this request *pro se*, although he is represented by counsel. "[A] defendant who is represented by counsel relinquishes the right to file his own *pro se* submissions." *United States v. Khatib*, 606 F. App'x 845, 847 (7th Cir. 2015) (citing *United States v. Williams*, 495 F.3d 810, 813 (7th Cir. 2007)). "Representation by counsel and self-representation are mutually exclusive." *Cain v. Peters*, 972 F.2d 748, 750 (7th Cir. 1992). So-called "hybrid representation" confuses and extends matters at trial and in other proceedings. *See United States v. Orey*, 263 F.3d 669, 672-73 (7th Cir. 2001). The Court may strike as improper any such *pro se* motions. *See, e.g., United States v. Gwiazdzinski*, 141 F.3d 784, 787 (7th Cir. 1998).

To the extent Carnell requests appointment of counsel, the Court construes this as a motion for new counsel. However, after a notice of appeal has been filed, only the Court of Appeals has the authority to replace or appoint counsel in a case. Therefore, the Court will transfer this part of the motion to the Court of Appeals for its consideration in connection with Carnell's appeal, Appeal No. 19-2207.

In sum, the Court **STRIKES** Carnell's motion to the extent he requests copies and **TRANSFERS** the motion to the Court of Appeals to the extent he requests appointment of new counsel (Doc. 117).

IT IS SO ORDERED.

DATED: July 8, 2019

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**